

In re Patent Application of
Gary L. Martin
Serial No. 09/801,512
Filed March 7, 2001

REMARKS

Applicant files this Request for Continued Examination and herein responds to the outstanding final Office action. Claims 20-41 have been cancelled in order to facilitate examination of the application. While claims have been amended and cancelled to expedite allowance of the application, Applicant reserves his right to further pursue the patentability of the invention to the fullest extent allowable by law in view of the cited art.

The Present Invention Is Novel Over The Cited References

The Examiner has rejected independent claims 1, 10-11, and 20 under 35 USC §102 as anticipated by Hellekson (US 3,204,374) and by Chalmers (US 4,195,455).

In an effort to advance the prosecution of this application, Applicant has adopted the Examiner's suggestion and has amended independent claims 1, 10 and 11 to avoid the rejection. Hellekson's prefabricated soffit construction clearly includes more than two members. The Chalmers adjustable soffit system also requires more than two pieces. Neither Hellekson nor Chalmers, therefore, anticipates the claimed invention. Applicant, therefore, respectfully requests withdrawal of the rejections under Section 102.

Conclusion

As there are no currently pending independent claims which stand rejected on the grounds of obviousness, and in view of the remarks presented herein, Applicant respectfully submits that all pending independent claims are patentable. In addition, their respective dependent claims, which recite yet further distinguishing features, are also patentable and require no further discussion.

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If the further prosecution can be facilitated through a telephone conference between the Examiner and the undersigned, the Examiner is respectfully requested to telephone the undersigned.


Respectfully submitted,



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I hereby certify that the above correspondence is being filed with the U.S. Patent Office, Alexandria, VA 22313-1450 via facsimile to its centralized facsimile number for official patent communication at 703-872-9306 this 16th day of April, 2004


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